

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing personally on February 18, 2010, the tenant did not participate in the conference call hearing.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary order for unpaid rent?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

Background and Evidence

The tenancy began in mid-December, 2009 when the tenant moved in with another tenant who already resided there. The original tenant moved out at the end of January, 2010. Rent in the amount of \$400.00 is payable by this tenant in advance on the first day of each month. On January 22, 2010 a prorated amount of \$219.30 was received by the landlord for rent for December, 2009. At the outset of the tenancy, the landlord was to collect a security deposit from the tenant in the amount of \$200.00, but it was never received by the landlord. The tenant failed to pay rent in the month January, 2010 of 400.00 and on January 18, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the months of February and March, 2010, and the landlord applied to amend the application to include these amounts, which is allowed.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Conclusion

Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that the landlord has established a claim for \$1,200.00 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 05, 2010.

Dispute Resolution Officer